

UNITED STATES DISTRICT COURT - DISTRICT OF NEW HAMPSHIRE

ANDRE BISASOR, Plaintiff,

v.

CRAIG S. DONAIS; RUSSELL F. HILLIARD; DONAIS LAW OFFICES, PLLC;

UPTON & HATFIELD, LLP; and MARY K. DONAIS, Defendants.

Case No.1:23-cv-00374-JL

**EMERGENCY MOTION TO CLARIFY THE COURT'S 3-8-24 ORDER
AND
EMERGENCY MOTION TO EXTEND TIME TO FILE A MOTION FOR RECONSIDERATION
OF THE COURT'S 3-6-24 ORDER TO UNSEAL THE PLAINTIFF'S 3-1-24 MOTION TO SEAL
[PURSUANT TO AND AS INSTRUCTED IN THE COURT'S 3-8-24 ORDER]
AND
EMERGENCY MOTION TO TEMPORARILY RESEAL THE PLAINTIFF'S 3-1-24 MOTION TO
SEAL FROM THE PUBLIC UNTIL RESOLUTION OF MOTION FOR RECONSIDERATION**

1. I hereby move the court to clarify its 3-8-24 order, and to allow an extension of time to file a motion for reconsideration of the court's 3-6-24 order to unseal my 3-1-24 motion to seal (pursuant to and as instructed in the court's 3-8-24 order, and to temporarily reseat from the public my 3-1-24 motion to seal in the meantime until the motion for reconsideration of the court's 3-6-34 order to unseal is filed and fully resolved by the court, as more fully set forth below.
2. Grounds are as follows.

RELEVANT COURT ORDER

3. On 3-8-24, the court issued and entered an order stating, in relevant part, that:
To the extent Mr. Bisasor disagrees with the court's denial of his motion to keep the motion to seal (Doc. No. 151) under seal, **he may file a motion for reconsideration that identifies with specificity which portions of the motion should remain under seal, along with the factual and legal justification for doing so.** This court will rule on any such motion expeditiously.

CLARIFICATION

4. I would like to get clarification on how I should file this motion for reconsideration, as it pertains to confidentiality concerns. Given that any factual or legal justification will entail statements that I would classify as confidential, then I would be hamstrung in presenting my motion for reconsideration. Hence, am I to file another motion to seal for this motion for reconsideration and also file the motion for reconsideration itself under seal? And if the court denies the motion to seal, will such documents be automatically unsealed without notice or chance to object or appeal? In other words, does the court intend to tweak the rules in a way that would alter the due process and protective process outlined in the rules? The court did this one already asserting that this was in my best interest but I disagree that it was in my best interest especially because I now have to spend time and effort addressing this issue. It would have been better (and ostensibly in my best interest), that the court returned the seal document to me with instructions to refile with redactions as necessary, or something like that, especially since the court knew it was going to deny the attendant motion to reconsider the extension of time to file the amended complaint.
5. I also would like to get clarification on if the court intended a certain deadline to file the motion for reconsideration in this order. If so, what is it? Otherwise, did the court intend the ordinary time standards to be implied? But yet the court unsealed the motion to seal (Doc No. 151) on 3-6-24, and then provided an order of clarification that added further points to the order on 3-8-24. If the ordinary time standards are implied, then I believe I have 14 days from that date to file a motion for reconsideration, which would land on 3-20-24, 3 business days from now or if counting from the date of the clarification, it would land on 3-22-24. Hence, I am not sure what the date to count from.

EXTENSION

6. I just did a hefty motion to amend complaint with proposed amended complaint, which took up essentially all of my time. I am exhausted from that. I have had no time to work on the applicable motion for reconsideration.

7. In light of everything that occurred recently, including the court's order yesterday on another motion seeking extension of time to object to defendants' motion to review sealed documents, I therefore request an extension until **April 1, 2024**.
8. In addition to the above-stated grounds, I am requesting extension to this date because of a few additional reasons.
9. The motion to amend complaint that I just filed recently will likely generate motion practice from the defendants during or over the next few weeks. This will likely include oppositions, replies and sur-replies, etc. The April 1, 2024 date will presumably allow some time for that to play out and allow me a chance to address such motion practice without having to also focus on addressing the motion for reconsideration of the unsealing, or having to address any responses or replies that may be generated from my motion for reconsideration, at the same time.
10. It will also allow space between the March 22, 2024 deadline set by the court yesterday for response to another motion by the defendants to review sealed documents.
11. Also, I have other court deadlines in other courts that are coming up during or over the next few weeks. This extension would allow me not to be spread thin with competing obligations in other courts, which is a reasonable point given that courts routinely give consideration to this for lawyers in general.
12. Similarly, because of the court's automatic unsealing of the document, the defendants have already reviewed it. To the extent that there has been any harm from the court's automatic disclosure, it has already been done. What is at stake here now is whether the motion to seal will be resealed from the public going forward.
13. I thus have an urgent interest in trying to rectify this harm or to prevent ongoing harm. However, I simply need time to address this via motion for reconsideration, especially given the instruction that I must detail the factual and legal justification for the motion to be granted, which will take time and research to do. NB: I am seeking only to keep sealed any medical references in the motion to seal.

TEMPORARILY RESEALING FROM THE PUBLIC

14. Until I am able to do so, I ask the court to temporarily reseal the motion to seal, at least from the public, in the meantime. This will not hurt anyone because the defendants have already seen the unsealed 3-1-24 motion to seal.
15. It also temporarily protects me from ongoing harm should the court agree with my proposed redactions of the motion to seal and/or grant my motion for reconsideration.

CONCLUSION

16. I urgently sought **concurrence from the defendants** today but have not received concurrence at this time. NB: The Hilliard defendants have indicated that they do not concur.
17. I ask that this emergency motion be ruled upon as soon as possible, in adequate advance of any applicable deadline.
18. WHEREFORE, I respectfully request that this Court grants the relief requested or grant any other relief the Court deems proper.

March 15, 2024

Respectfully submitted,
/s/Andre Bisasor
Plaintiff Andre Bisasor

CERTIFICATE OF SERVICE

This filing is served to all parties of record via the e-filing system.

/s/Andre Bisasor
Andre Bisasor